

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY**

STATE OF DELAWARE,	)	
	)	
v.	)	ID#: 9408012457
	)	
JOHN A. TAYLOR,	)	
Defendant.	)	

Submitted: April 12, 2010  
Decided: July 22, 2010

**Upon Defendant's Second Motion for Postconviction Relief –  
*SUMMARILY DISMISSED***

1. On January 22, 1996, a jury convicted Taylor of two counts of unlawful sexual intercourse in the first degree, and related crimes. The conviction was affirmed on March 14, 1997.<sup>1</sup>

2. On October 27, 2000, Defendant's first motion for postconviction relief was denied.<sup>2</sup> The denial of postconviction relief was affirmed in December 2001.<sup>3</sup>

3. According to Defendant, after the denial of postconviction relief was affirmed, he applied to the United States District Court for a writ of habeas

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<sup>1</sup>*Taylor v. State*, 690 A.2d 933 (Del. 1997).

<sup>2</sup>*State v. Taylor*, 2000 WL 33113935 (Del. Super. Oct. 27, 2000) (Silverman, J.).

<sup>3</sup>*Taylor v. State*, 2001 WL 1658392 (Del. Supr. Dec. 17, 2001).

corpus, which also was denied. He unsuccessfully appealed to the United States Court of Appeals for the Third Circuit. The United States Supreme Court denied certiorari, according to Defendant, on November 28, 2005.

4. Attempting to invoke the “interest of justice” provision of Superior Court Criminal Rule 61(i)(4) and (5), Defendant filed this second motion for postconviction relief. Specifically, Defendant asks for “reconsideration of the previously presented claims; because the findings of facts and conclusion of law by the trial judge [are] conflicting on the issues previously posed.”

5. The Prothonotary properly referred the motion for preliminary consideration.<sup>4</sup> Because it plainly appears from the motion and the record that Defendant is not entitled to relief, the motion is subject to summary dismissal.<sup>5</sup>

6. According to his motion, Defendant presents “eight formerly adjudicated claims of ineffectiveness of counsel for reconsideration under Super. Ct. Crim. R. 61(i)(4)-(5).” Specifically, Defendant claims “because these issue[s] were erroneously concealed [conceded?] on appeal by appellate counsel, and the jury decision concerning these issue[s] were never subject to review[] on appeal which the defendant is constitutionally entitle[d].”

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<sup>4</sup>Super. Ct. Crim. R. 61(d)(1).

<sup>5</sup>Super. Ct. Crim. R. 61(d)(4).

7. Although, as mentioned above, Defendant invokes the “interest of justice” exception to Rule 61's procedural bars, Defendant does not present recently decided case law, newly discovered evidence or anything more than his reiterating the claims that have already been litigated and rejected.

8. Defendant’s second motion for postconviction relief is procedurally barred,<sup>6</sup> previously litigated,<sup>7</sup> and untimely<sup>8</sup>. Defendant has presented no support for his claim that reconsideration is justified in the interest of justice. He is merely asking for reconsideration.

For the foregoing reasons, Defendant’s second motion for postconviction relief is **SUMMARILY DISMISSED**. The Prothonotary **SHALL** cause Defendant to be notified.

**IT IS SO ORDERED.**

/s/ Fred S. Silverman

Judge

cc: Prothonotary  
James J. Kriner, Deputy Attorney General  
John A. Taylor, Defendant

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<sup>6</sup>Super. Ct. Crim. R. 61(i)(3).

<sup>7</sup>Super. Ct. Crim. R. 61(i)(4).

<sup>8</sup>Super. Ct. Crim. R. 61(i)(1).